

**AFFIDAVIT FOR CRIMINAL COMPLAINT**

I, Juan E. Batista Aybar, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. That I am a U.S. Customs and Border Protection Enforcement Officer with the Department of Homeland Security, assigned to investigate Immigration Law violations and Criminal Laws of the United States at the Luis Muñoz Marín International Airport, Carolina, Puerto Rico. As an Enforcement Officer my duties and responsibilities include the enforcement of the Immigration and Nationality Act (INA). Furthermore, as an Enforcement Officer I am assigned to conduct investigations of criminal violations of the immigration laws of the United States, including violations of Title 8 and Title 18 of the United States Code, and to ensure the removal of those aliens that have been found to be in the United States in violation of the immigration laws. I have been employed with DHS/CBP as a C.B.P. Officer since December 02, 2002, and as a Criminal Enforcement Officer since June 07, 2009.
2. The information contained in this affidavit is based upon my personal knowledge, as well as information that I have received from other law enforcement sources. Because this affidavit is made for the limited purpose of establishing probable cause for the issuance of an arrest warrant, I have not recited each and every fact known to me as a result of this investigation. As a result of my personal participation in this investigation, conversations with other law enforcement officers, reports and other sources, I am familiar with the circumstances described in this affidavit.
3. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of 8 U.S.C. § 1326(a) and (b)(2) – Reentry of

Removed Alien Subsequent to an Aggravated Felony Conviction has been committed by Jose Manuel SUAREZ MENDOZA.

**PROBABLE CAUSE**

4. On or about March 24, 2025, at the Luis Muñoz Marín International Airport in Carolina, Puerto Rico, an alien by the name of Jose Manuel SUAREZ MENDOZA, a citizen of the Dominican Republic, was found in the United States attempting to board Spirit Airlines flight number 9K 333, bound to the city of Philadelphia, PA.
5. During the inspection conducted by the U.S. Customs and Border Protection Officers, he claimed to be a citizen of the Dominican Republic and to support his claim he presented a Dominican Republic passport #PRXXXXX361 under the name of Jose Manuel SUAREZ MENDOZA bearing his photograph.
6. Since his information did not return any results in the system, he was referred to a secondary inspection.
7. During this process, a fingerprint examination disclosed the following immigration and criminal history:
  - a. On June 11, 2020, Jose Manuel SUAREZ MENDOZA was arrested by the Federal Bureau of Investigation for the offence of Possession with intent to Distribute 100 Grams or more of Heroin, in Violation of 21 U.S.C. Sec 841(a)(1), (b)(1)(B).
  - b. On April 12, 2022, Jose Manuel SUAREZ MENDOZA was convicted in the United States District Court, Eastern District of Pennsylvania for the offense of Possession with Intent to Distribute 100 Grams or More of Heroin, Aiding & Abetting, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B), 18 U.S.C. § 2 and

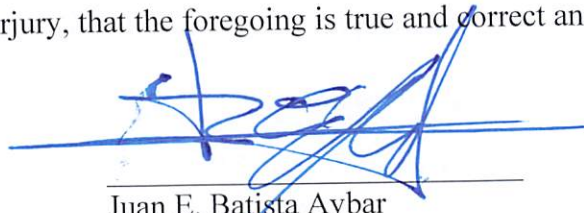
Conspiracy to Distribute One Kilogram or More of Heroin in violation of 21 U.S.C. § 846 and sentenced to twenty-eight (28) months of imprisonment.

- c. On June 07, 2022, Jose Manuel SUAREZ MENDOZA was given a Final administrative Removal Order, form I-851 following his aggravated felony conviction.
  - d. On July 05, 2022, Jose Manuel SUAREZ MENDOZA was physically removed from the United States, Alexandria, LA to the Dominican Republic.
8. After being encountered at the Luis Muñoz Marín International Airport in Carolina, Puerto Rico, on or about March 24, 2025, SUAREZ MENDOZA was advised of his *Miranda* rights, and the alien decided not to waive his right and remain silent until he could speak to an attorney.
9. Jose Manuel SUAREZ MENDOZA was found in the United States without obtaining the express consent from the Attorney General of the United States, or his successor, the Secretary of Homeland Security to reenter the United States following his prior removal orders and that no application to request such consent was found on files, on behalf of Jose Manuel SUAREZ MENDOZA at the Office of Citizenship and Immigration Services.
10. Jose Manuel SUAREZ MENDOZA is a citizen and national of the Dominican Republic that has been previously removed from the United States following an aggravated conviction and that the defendant is an illegal alien found in the United States with no authorization of legal status to be present in the United States.

**CONCLUSION**


11. Based on the forgoing, and based upon my training, experience and participation in this and other investigations, I believe that sufficient probable cause exists to demonstrate that Jose Manuel SUAREZ MENDOZA reentered the United States after being removed resulting in violations to 8 U.S.C. § 1326(a) and (b)(2) – *Reentry of Removed Alien Subsequent to an Aggravated Felony Conviction*.

I hereby declare, under penalty of perjury, that the foregoing is true and correct and to the best of my knowledge.



Juan E. Batista Aybar  
CBP Enforcement Officer

Subscribed and sworn in accordance with the requirement of FRCP 4.1 at 5:11 pm by in person telephone, this 26<sup>th</sup> day of March 2025, at San Juan, Puerto Rico.



Hon. Marshal D. Morgan  
US Magistrate Judge  
District of Puerto Rico